 <b>LARA</b> <b>LICENSING AND REGULATORY AFFAIRS</b> <b>CUSTOMER DRIVEN. BUSINESS MINDED.</b>	<b>Effective Date:</b>		09-12-2011
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## **GENERAL INFORMATION**

The Department of Licensing and Regulatory Affairs (LARA) is committed to promoting a safe environment for its employees. This policy informs employees, customers and the general public of the department's commitment to workplace safety.

Employees (classified or unclassified) are formally notified that they have the right and responsibility to communicate their concerns about workplace safety issues to appropriate levels of supervision and, if necessary, higher levels of agency management.


## **STATEMENT OF POLICY**

LARA will not allow actual or threatened violence while on official state business or while engaged in activities related to work. Physical violence or acts of threatening behavior are strictly prohibited. Employees, customers and the general public are expected to treat others with dignity and respect. Any employee who engages in an act of physical violence or threatening behavior should not expect to maintain privacy in those areas that need to be investigated. Reported threats of violence may result in a search of the employee's work area, personal possessions or vehicle, as allowed by law.

Violence is manifested in many forms. Although it is not possible to address all conceivable violent situations, there are specific situations that call for different methods of response.

Prohibited threatening behavior includes but is not limited to:

- Carrying or displaying a weapon or other hazardous items.
- Engaging in any threatening or assaultive behavior directed toward another individual or causing or urging others to engage in such activity.
- Engaging in behavior which would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or molested.
- Any threat to do harm to another person or to destroy property.

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## **DEPARTMENT RESPONSIBILITY**

**BUREAU/OFFICE DIRECTORS** – In order to quickly and appropriately respond to major violence and threats of violence, each Bureau/Office shall designate a Workplace Safety Coordinator and inform their employees. Workplace Safety Coordinators shall be provided with applicable training to enable them to fulfill that role.


**INVESTIGATIONS** – All investigations involving employees must be coordinated with the LARA Office of Human Resources (OHR). Union contract disciplinary and investigatory provisions shall be followed where applicable.

**OFFICE SECURITY** – Building security measures are an important aspect of providing employees with a safe and secure work environment. Managers shall review emergency procedures annually with their employees to ensure that building security and emergency procedures are available and current. As part of each Bureau's orientation, the managers will review these procedures with the new employees. When several bureaus are located in one building, building security issues will be coordinated. The Office Services Division will keep a current list of emergency contacts for each work location.

**EMPLOYEE AWARENESS** – Employee education and training are important aspects in promoting workplace safety. Employees will be provided information regarding the Civil Service/LARA rules and policies on workplace safety.

## **EMPLOYEE RESPONSIBILITY**

Employees have a duty to report any act or perceived act of violence or threatening behavior, committed while on official state business or while engaged in work related activities. Any employee who witnesses an incident of violence or threatening conduct must promptly report the incident to his/her immediate supervisor, the designated Workplace Safety Coordinator, or the Labor Relations Director (or designee) within LARA OHR.

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### **CIVIL SERVICE PROGRAM**

The Office of the State Employer's (OSE) Employee Service Program (ESP), offers an employee assistance program. Employees experiencing distress from personal or work related problems are encouraged to utilize this program.

A Traumatic Incident Stress Management (TISM) program is also available to assist employees through participation in specialized group debriefings. Employees who have been traumatically affected by an act of workplace violence or threatening behavior are encouraged to participate in TISM services. Initiating and implementing TISM services can be done through LARA OHR.

### **ENFORCEMENT**

Violations of this policy or of related department work rules will result in disciplinary action, up to and including dismissal.

## LICENSING AND REGULATORY AFFAIRS WORK RULE FOR WORKPLACE SAFETY

### **POLICY**

It is the policy of Licensing and Regulatory Affairs (LARA) to promote a safe environment for its employees. The Department is committed to working with its employees to maintain a work environment free from acts of violence and threats of violence.

### **DEFINITIONS**

For purposes of this work rule, the following definitions shall apply:

***Act of violence*** means any intentional, reckless, or grossly negligent act that would reasonably be expected to cause physical injury or death to another person.

***Threat of violence*** means any intentional communication or other act that threatens an act of violence and would cause a reasonable person to feel terrorized, threatened, or fear physical injury or death to oneself or another person. Any threat of violence, whether verbal, written, visual, or by gesture, will be presumed to be an expression of intent to do harm to another person.

***Workplace*** means an office or building owned or leased by the state in which employees are assigned or work. It includes any state-owned or leased common grounds or parking areas used by employees assigned to or working in the office or building.

***Explosive*** means any bomb, grenade, missile, or other dangerous device designed to expand suddenly and release internal energy resulting in an explosion.

***Firearm*** means a weapon from which a dangerous projectile may be expelled by an explosive, gas, or air.

### **ACT OR THREAT OF VIOLENCE**

An act of violence or a threat of violence that is work-related or occurs in the workplace or while engaged in work related activities is prohibited. Any employee who is subjected to or is aware that another employee is being subjected to an act of workplace or work-related violence or a threat of imminent violence shall immediately take appropriate measures to ensure his or her personal safety. The employee shall then promptly report the incident to appropriate law enforcement personnel and his/her supervisor. The supervisor shall immediately notify the LARA Office of Human Resources (OHR) of the incident.

Non-imminent acts or threats of violence shall be reported to the employee's supervisor. If the employee's supervisor is the individual engaging in violence or making a violent threat, the employee shall report the incident to the designated Workplace Safety Coordinator or LARA OHR Labor Relations Director (or designee).

All reports of an act of violence or a threat of workplace or work-related violence will be investigated and appropriately addressed. The appointing authority shall take reasonable actions to protect employees when a credible report of a violent act or threat of violence is received.

If the Department receives information regarding an alleged act of violence, receives a threat of violence, or has a reasonable suspicion that an employee may have transported a firearm or explosive on state property without authorization, the department or other appropriate authority may conduct a search of desks, lockers, and any other storage space located on state property as part of the department's effort to investigate and appropriately address the situation.

Employees shall not sabotage or cause malicious destruction of or damage to state property, resources, work products, electronic files, or the property of another employee or a member of the general public.

## **FIREARMS AND EXPLOSIVES**

An employee shall not carry or possess a firearm or explosive at a state workplace or during actual-duty time except as specifically authorized in this work rule and as authorized by law.

Except as provided by law, employees are not prohibited from carrying or possessing a firearm inside a personal vehicle while the firearm is completely unloaded and enclosed in a case in the vehicle or carried in the trunk of the vehicle. The firearm must remain inside the personal vehicle.

This work rule covers all department employees' ability to carry or possess firearms or explosives at any state workplace, at any time and in any place, during actual duty-time. Except as specifically authorized by this work rule, a constitutional or statutory provision that otherwise authorizes an employee to carry or possess a firearm or explosive does not authorize the carrying or possessing of the firearm or explosive during actual duty-time, at a state workplace, or in a state vehicle.

## **REPORTING**

Employees are obligated to report to management if any of the following circumstances occur:

- a. The employee is subjected to workplace or work-related violence by a supervisor, manager, co-worker, or other person.

- b. The employee witnesses a supervisor, manager, co-worker, or other person in the workplace engaging in workplace or work-related violence involving another person.
- c. The employee receives a protective or restraining order, which lists state-owned or leased premises as a protected area. (A copy of such order shall be provided to the immediate supervisor and the LARA OHR.)

A supervisor or manager who witnesses, or is made aware of by one who witnesses, a subordinate employee engaged in workplace or work-related violence, threatening behavior, or making threats of violence or has unauthorized possession of a firearm or explosive is obligated to report the behavior to the LARA OHR and to take prompt and appropriate remedial action.

### **REPORTING PROCEDURES**

- 1. An employee who is directly affected by or witnesses workplace or work-related violence directed at another employee shall report the conduct to a supervisor, Workplace Safety Coordinator, or the LARA OHR.
- 2. An employee who is directly affected by or witnesses workplace or work-related violence by the employee's own supervisor shall report the conduct of the supervisor to a higher-level supervisor, the designated Workplace Safety Coordinator, or the LARA OHR.
- 3. An employee who is directly affected by or witnesses workplace or work-related violence caused by a Workplace Safety Coordinator shall report the conduct directly to a supervisor, another Workplace Safety Coordinator, or the LARA OHR.

### **VIOLATIONS**

Any violation of this work rule may result in discipline, up to and including dismissal.